

to my colleagues and friends Congresswoman WASSERMAN SCHULTZ and Congresswoman MYRICK for their incredible courage and leadership in fighting for those who are affected by breast cancer.

October, as we know, is National Breast Cancer Awareness Month, and I can think of no better way to honor and support the women living with this disease or to honor the memories of those who have lost their battle with breast cancer than to help raise awareness by sharing some of our own personal stories. Each one of us has a personal story to tell about how breast cancer touched the lives of our families and has changed our lives, and I'm no exception.

My mother is a breast cancer survivor. She beat this disease several years ago, and I'm so proud of her for the strength and the courage that she has shown throughout a very difficult journey. She has served as an inspiration to me to be a voice here in Washington, not just for her, but for the hundreds of thousands of women and men who are diagnosed with breast cancer each year.

For far too long, our Nation was silent about this disease because of a pervasive fear and stigma. Thankfully, education and advocacy efforts over the past several decades have empowered survivors to come out of the shadows and walk down the Halls of Congress to demand action.

It's because of my mother and the Rhode Island advocates who I am so proud to represent that I joined with a strong majority of my colleagues to fight for increased funding for research at the National Institutes of Health and the Department of Defense so that we may continue to advance lifesaving treatments for breast cancer patients everywhere.

However, this is not just about research. We must also ensure that every patient has access to proper medical care. I believe that the only way to do this is through comprehensive health insurance reform.

□ 1900

Madam Speaker, Congress certainly must pass a bill that covers preventative services such as mammograms and MRIs, that eliminates discriminatory exclusions for individuals with pre-existing conditions, and ensures gender parity. I strongly believe that access to quality health care should be a fundamental right and not a privilege for the wealthy who can afford it.

I hear stories daily from friends and constituents whose lives are turned upside down due to a cancer diagnosis. Our Nation can and we must do better. Together we can make a difference in the lives of breast cancer patients everywhere.

I would like to once again acknowledge my colleagues here this evening for speaking out in the fight against breast cancer, and I look forward to my continued work with them in the future.

#### CONSTITUTIONALITY OF HEALTH CARE REFORM LEGISLATION PENDING CONSIDERATION BY THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Madam Speaker, I rise tonight to address this body about a document that is sometimes forgotten. A document that gives meaning and purpose to what we do in this body, that in fact is the basis upon which this body actually exists. And that is the Constitution of the United States.

For over two centuries, this document has been the foundation for our free people. It has become the model for other governments who have copied it around the world. And yet too often it appears that the very document that is the core of our liberties, the core of our existence in this representative democracy, is overlooked in this body. It's as if it were treated as a document of antiquity to be given proper respect in the Library of Congress but to be paid no attention to in our deliberations here. I think that is quite ironic.

I had a town hall meeting this weekend, and one of my constituents raised the issue of the constitutionality of one of the bills that are pending before this body. I promised him I would address that issue, and that is what I intend to do very briefly this evening.

When those 56 men met in Philadelphia, they understood the significance of trying to write a document that controlled the actions of legislative and executive bodies. And they did a very good job of it. Over these two centuries plus, there have only been some 27 amendments that have been adopted.

It used to be that when Congress would legislate on an issue that it would preface it with the constitutional basis upon which the legislation would be even authorized to be considered. That practice has, unfortunately, been abandoned. For those who are familiar with our Federal courts, it is not unlike what a party going into that court would be required to do, and that is to specify the basis on which the Federal court has jurisdiction to consider the issue that is presented to the court.

I think we should do the same thing here in this body. We should ask ourselves the question before any piece of legislation is even considered, Upon what basis of the Constitution do we even have a right to consider to legislate on this subject?

Now, this subject is not just something that I want to talk in generalities about. I think we have a concrete example of a piece of legislation where the core issue is that of its constitutionality, and that is the health care reform legislation.

Now, admittedly, Congress has, under the commerce clause of the Constitution, reached into many realms of our activity in this country. But here in

this bill there is one central ingredient, and that is the mandate on an individual that they must purchase a health insurance policy. Now, I think that is where the unconstitutionality of that proposition rises to the fore. And I suggest it for this reason:

First of all, it imposes what is presumed to be a tax if you do not comply. I think it is very clear under the interpretations of our Constitution that Congress cannot impose a tax unless it first has the authority under other parts of the Constitution to regulate the activity, namely the commerce clause or some other designated ability to regulate under the enumerated powers of the Constitution. Here there is no such enumeration. And certainly buying a health insurance policy, the requisite of that is not engaging in interstate commerce. Somebody doesn't go to the doctor to engage in interstate commerce; they go for their own health care concerns.

Some would argue, well, we mandate that people have to have automobile liability insurance. I remind them that it is a quid pro quo in which the State issues a driver's license as a condition for requiring the mandate of insurance. We do not issue a license to the citizens of this country to breathe or to exist. Therefore, by what right do we have the ability to impose a personal mandate?

Now, this issue is not new. I want to quote from a report from the Congressional Budget Office back in 1993 when they were considering the Clinton health care proposal, and I quote:

"A mandate requiring all individuals to purchase health insurance would be an unprecedented form of Federal action. The government has never required people to buy any good or service as a condition of lawful residence in the United States."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. CHU) is recognized for 5 minutes.

Ms. CHU. Madam Speaker, America has made great strides in the last century to provide rights and protections to our most disadvantaged communities. Laws were made that limited the workday and made it illegal for companies to profit from child labor. Women were given the right to vote. The Civil Rights Act codified Martin Luther King's dream by ensuring that all people of color could obtain equal rights.

But the fight is not over. People are still trying to deny Americans equal

protection under the law for being who they are. Yesterday Republicans tried to block an important provision to protect gays, lesbians, transgenders, and bisexuals from being targeted, harassed, injured, or even killed due to acts of bias and hatred. The Matthew Shepherd Hate Crimes Prevention Act would give the LGBT community the same protections already provided to other groups that have been discriminated against in our Nation's history.

Many are familiar with the hatred and bigotry perpetrated against people of different races and religions. Take the case of Kenny Chiu, a 17-year-old Asian American from Orange County, California, who was simply standing in the driveway of his own home when he was grabbed and brutally stabbed 26 times. In the last hour of his life, he was able to identify his killer. It was his 20-year-old next-door neighbor, who was a Neo-Nazi sympathizer and was looking for a minority to kill.

But members of the LGBT community face the same harassment every day just for being who they are. Larry King was a gay eighth-grader from Ventura, California, who used to come to school dressed differently. He was the subject of great harassment. Other boys made fun of him, called him names, and threw wet paper towels at him in the boys' restroom. Then one morning behind the computer lab at his junior high school, a fellow classmate shot him twice in the head. In contrast to the case of Kenny Chiu, Larry King's murder is not covered by our Federal hate crimes law. This must change.

When asked by my constituents why I support this bill, I describe my experience as Chair of the California State Assembly's Select Committee on Hate Crimes, where I held hearings on hate crimes across all the communities of the State. After hearing these horrific stories and listening to their heartbroken families, I know I cannot fight for the civil rights of one group without fighting for the civil rights of the other. Things will not change until people stand up and say we will not tolerate making anybody in America a second-class citizen. As long as intolerance exists, as long as there are people out there that turn a blind eye to hate and bigotry, then we as a human race are doomed to repeat the horrors of the past.

In California what happened to Larry King is considered a hate crime. It is one of only five States in the Nation that include sexual orientation and gender identity in the definition of a hate crime. But in the Nation many are left without such protection because Federal law leaves many States without the resources or expertise to effectively investigate and prosecute bias-motivated violent crimes in the LGBT community. That is why tomorrow we must pass the Matthew Shepherd Hate Crimes Prevention Act so that every teenager who goes to school can be who they are knowing they are

protected by the United States of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SAVING A MILLION JOBS AT \$787,000 PER JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, in a column last month for RealClearMarkets, businessman Bill Frezza took on the idea that the stimulus package had somehow "saved" jobs in America. He writes:

"The White House Council of Economic Advisers said Thursday the \$787 billion stimulus plan kept 1 million people working who would otherwise not have had jobs.

"You wouldn't let me stand up and make the simplistic claim that these million jobs were saved at a cost of \$787,000 per job without challenging the details of my accounting, would you? Surely reality is more complex.

"But when the White House Council of Economic Advisers calculated the number of jobs saved by our government's massive stimulus spending, how is it that they entirely neglected to account for the impact on employment of removing \$787 billion from the balance sheet of the private economy?"

He continues by discussing those from the White House Council of Economic Advisers who make these dubious claims about the so-called "saved" jobs:

"They never had to meet a payroll," Mr. Frezza writes. "They never had to raise money to fund their businesses from skeptical investors. They never bet their life savings on their own business judgment. They never had to scramble to pay off a banker who called in a loan. They never had to decide whether to take a calculated risk to expand their workforce, hoping to take market share from a fierce competitor. They never had to make a judgment call on whether or not to launch an unproven new product. They never had to manage a new reduction in force, explaining to employees that their jobs have been eliminated because the tax and regulatory burdens imposed by some new law forced them to cut costs.

"They never lost business to a government-subsidized competitor whose cost of capital was vastly lower than theirs. They never had to grease the palms of politicians offering constituent services to resolve a bureaucratic hangup caused by the labyrinthine government approvals these self-same politicians inflict on many businesses.

"They never had to deal with a missed sales forecast caused by an economy so roiled by capricious and uncertain fiscal policy that frightened customers were holding back orders. They never had to deal with a key supplier that unexpectedly went bankrupt because their source of credit dried up as dollars got sucked out of the commercial economy into government debt. They never had to negotiate with angry landlords after being forced to shut down a business destroyed by spurious mass-manufactured class-action suits. They never had to stand up in front of disappointed investors to explain why they lost money that had been entrusted to them.

"And you can be sure that none of them ever fell on their face and had to pick themselves up, dust themselves off, and decide whether it was worth going through all the joys described above to take another shot at building a business from scratch."

Then he launches into his final broadside against the assumption of the council's economists:

"All three have Ph.D.s from fancy universities," he writes. "They are prize-winning experts in macroeconomics. To have come this far, you can bet they are ambitious, articulate, well connected, and brilliant. Yet when the Council of Economic Advisers did its calculations to determine the numbers of jobs saved by the stimulus, they shamelessly counted assets and totally ignored liabilities.

"People this smart cannot be easily fooled. People so visibly in the public eye cannot remain willfully blind.

"No, these people and those who appointed them are cunningly smart. It's we who are the fools for listening to them. Long after these experts return to their sinecures in academia to train another generation of economists on the wisdom of central planning and Keynesian pump priming, it's we and our children and our grandchildren who will be paying the price."

□ 1915

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

(Mr. INGLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE MACKAY FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.